

11 (Amended). The apparatus of claim 7, wherein said dielectric includes a first portion over said substrate, an aperture in said first portion, and a sidewall spacer aligning said aperture, the interior of said sidewall spacer forming said opening.

A2 Please amend claim 12 as follows:  
12 (Amended). The apparatus of claim 7, wherein the programmable material includes a chalcogenide.

### REMARKS

Claim 7 was rejected over the Zahorik reference. The office action argues that a contact on a substrate can be essentially nothing because the contact can simply mean the featureless surface of a substrate under what is actually the contact 120. Apparently the Examiner does not want to read the claimed contact on a contact 120 because the dielectric as claimed must be over the contact. However, this is an improper reading of the claim, especially in view of the amendment to recite an electrical contact. The electrical contact in Figure 7 of the cited reference is the electrical contact 120, but the dielectric is not positioned on that contact. Therefore, reconsideration of the rejection of claim 7 is respectfully requested.


The objections to the dependent claims have been cured by appropriate amendments.

Reconsideration of the rejection of the drawings is respectfully requested. It is respectfully submitted that in Figure 1, something other than prior art is shown because the element 15 is the memory cell in accordance with the present invention. Therefore, if the Applicant were to label the figure as prior art, then the Applicant would be admitting that the claimed invention is prior art, which is incorrect. Therefore, reconsideration of the rejection is respectfully requested.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

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## APPENDIX

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Please amend claim 7 as follows:

7 (Amended). An apparatus comprising:

- [a] an electrical contact on a substrate;
- a dielectric on the contact, the dielectric having an opening exposing the contact;
- a programmable material formed within the opening, the programmable material on the contact; and
- a conductor [in contact with] electrically coupled to the programmable material.

Please amend claim 11 as follows:

11 (Amended). The apparatus of claim 7, wherein said dielectric includes a first portion over said substrate, an aperture in said first portion, and a sidewall spacer aligning said aperture, the interior of said sidewall spacer forming said opening [the at least one spacer comprises a conformally formed spacer on the dielectric, and wherein the at least one spacer comprises an anisotropically etched spacer from the dielectric].

Please amend claim 12 as follows:

12 (Amended). The apparatus of claim 7, wherein the programmable material [comprises] includes a chalcogenide [memory element].